

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

BENJAMIN GARCIA-RENTERIA	§	
v.	§	CIVIL ACTION NO. 5:10cv28
GALO MORLET, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Benjamin Garcia-Renteria, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Defendants, prison officials at the Federal Correctional Institution in Texarkana, Texas, were served with process and ordered to answer the lawsuit. On February 24, 2011, the Defendants filed a motion to dismiss the lawsuit for failure to prosecute or to obey an order of the Court. Specifically, the Defendants stated that on July 15, 2010, Garcia-Renteria was released from the custody of the Federal Bureau of Prisons into the custody of the United States Immigration and Custom Enforcement, and was removed to Mexico the next day. To date, Garcia-Renteria has not provided the Court or the Defendants with his current address.

On March 11, 2011, the Magistrate Judge issued a Report recommending that the motion to dismiss be granted and that the lawsuit be dismissed without prejudice, with the statute of limitations suspended for a period of sixty days following the date of entry of final judgment. Mills v. Criminal District Court No. 3, 837 F.2d 677, 680 (5th Cir. 1988); Rodriguez v. Holmes, 963 F.2d 799, 805 (5th Cir. 1992). A copy of this Report was sent to Garcia-Renteria's last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo*

review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

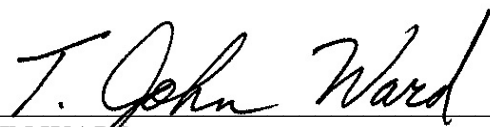
ORDERED that the Defendants' motion to dismiss (docket no. 19) be and hereby is GRANTED. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. It is further

ORDERED that the statute of limitations be and hereby is SUSPENDED for a period of 60 days following the date of entry of the final judgment in this case. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

SIGNED this 14th day of April, 2011.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE